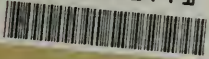


GR. 1833-5

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Reported by Select Committee.

W. W. Holden, Printer to the State.

REPORT OF JOINT SELECT COMMITTEE.

The Joint Select Committee, to whom it was referred to consider that portion of the Governor's message relating to an act passed at the second extra session of the General Assembly, A. D. 1861, entitled "An act to change the jurisdiction of the Courts, and the rules of pleading therein," have instructed the undersigned to report the accompanying bill.

J. G. SHEPHERD, for the Committee.

A BILL TO MODIFY AN ACT ENTITLED "AN ACT TO CHANGE THE JURISDICTION OF THE COURTS AND THE RULES OF PLEADING," PASSED BY THE SECOND EXTRA SESSION OF THE GENERAL ASSEMBLY, A. D. 1861, CHAP. 10.

SECTION 1. *Be it enacted by the General Assembly of the*
2 *State of North Carolina, and it is hereby enacted by the*
3 *authority of the same,* That sections two, three, four, nine,
4 ten, twelve and thirteen, of an act entitled "An act to
5 change the jurisdiction of the Courts, and the rules of
6 pleading therein," passed at the second extra session of
7 the General Assembly, held A. D. 1861, be, and the same
8 are hereby repealed; and all the Superior Courts of Law
9 and Equity, shall be held at such times and places as have
10 been heretofore appointed, or may be appointed by this
11 session of the General Assembly.

SEC. 2. *Be it further enacted*, That all writs of *feri facias*, *venditioni exponas*, and all alias executions issuing from any of the Superior Courts in this State, shall be delivered to sheriffs to whom the same may be directed, within six weeks after the term when judgment was rendered, and thereupon the said sheriffs shall make a levy on property of the defendant or defendants, subject to satisfy the same, and return such executions, with the levy endorsed thereupon, to the first term, without making a sale; and, upon such return, it shall be the duty of the Clerk to issue another writ of *feri facias*, or *venditioni exponas*, at the election of the plaintiff, returnable to the succeeding term, on which the sheriff shall make a sale, if necessary: *Provided, however, and it is hereby expressly declared*, That no execution shall be issued upon any judgment, in which the principal is a soldier in the army of the Confederate States, or this State, while he shall continue in the service, nor against any defendant, during the war, who has been disabled in the military service, and rendered unfit for labor; but all executions issuing contrary to this proviso, may be set aside at the first term, on the application of such defendant or defendants.

SEC. 3. *Be it further enacted*, That all civil warrants, issued by Justices of the Peace, shall be made returnable for trial in thirty days after the date of such warrants, and upon judgment being rendered thereon against the defendant or defendants, and no appeal taken to the Superior Court within ten days, execution shall be delivered out at the end of three months on all sums under twenty dollars; and on all sums between twenty and fifty dollars, at the end of six months; and on all sums between fifty and one hundred dollars, at the end of twelve months. And, if there shall be no personal property, or not enough to satisfy the execution, the land of the defendant or defendants shall be levied upon, and the levy returned by the officer to the next term of the Court of Pleas and Quarter Sessions as heretofore, at which term judgment may be ren-

16 dered for the plaintiff, and a writ of *venditioni exponas* is-
17 sued to the sheriff, returnable to the subsequent term, to
18 sell the said land: *Provided, however, and it is hereby ex-*
19 *pressly declared*, That no execution shall be issued where
20 the principal in the judgment is a soldier in the army of
21 the Confederate States, or of this State, while he shall con-
22 tinue in the service, nor against the property of any one,
23 during the war, who has been disabled in the military ser-
24 vice and rendered unfit for labor.

SEC. 4. *Be it further enacted*, That all original process,
2 issuing and to be issued from the several Superior Courts
3 of this State, shall be issued and made returnable to the
4 said Courts, as the like process was returnable before the
5 passage of an act entitled "An act to change the jurisdic-
6 tion of the Courts and the rules of pleading therein," and
7 all process issued and tested, of Fall Term, 1862, shall be
8 returned to the next Spring Term of said Superior Courts
9 respectively, by sheriffs and other officers having the same,
10 and at the first term, the defendant or defendants shall not
11 be compelled to plead thereto, if the cause of action be upon
12 any money demand, but the cause shall stand over until the
13 second term, when the defendant shall be compelled to
14 plead, or judgment shall be entered up for the plaintiff.

SEC. 5. *Be it further enacted*, That the proviso of the
2 20th section of an act entitled "An act to change the ju-
3 risdiction of the Courts, and the rules of pleading therein,"
4 be, and the same is hereby repealed.

SEC. 6. *Be it further enacted*, That the first term of the
2 Supreme Court held under this act, shall be on the second
3 Monday of June, A. D. 1863, in the City of Raleigh.

SEC. 7. *Be it further enacted*, That this act shall take
2 effect from and after its ratification.

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